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TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4778]

QUARTERLY TAX RETURNS UNDER TITLE VIII OF THE SOCIAL SECURITY ACT PRESCRIBED FOR THE FIRST QUARTER OF THE CALENDAR YEAR 1938 AND FOR EACH QUARTER THEREAFTER; TAX AND INFORMATION RETURNS COMBINED

REGULATIONS 91, AMENDED

To Collectors of Internal Revenue and Others Concerned:

Regulations 91,¹ approved November 9, 1936, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, as amended by Treasury Decision 4756,² approved July 22, 1937, Treasury Decision 4769,³ approved October 15, 1937, and Treasury Decision 4771⁴ approved October 29, 1937, are further amended as follows:

(1) Articles 401 and 402 are amended to read as follows:

"ART. 401. *Returns for periods within the calendar year 1937*—(a) *Monthly tax returns*.—Every employer (see article 4) shall make a monthly tax return on Form SS-1 for each calendar month of the calendar year 1937.

"(b) *Periodical information returns*.—Every employer shall make an information return on Forms SS-2 and SS-2a for the period January 1, 1937, to June 30, 1937, both dates inclusive, and for the period July 1, 1937, to December 31, 1937, both dates inclusive. The employer shall attach to Form SS-2 a separate Form SS-2a for each of his employees who received taxable wages during the period covered by the return. Form SS-2 shall be filed in duplicate but only one original Form SS-2a shall be filed for each employee.

"ART. 402. *Returns for periods within the calendar year 1938 and subsequent years*.—Every employer shall make a tax and information return on Form SS-1a for the first quarter after December 31, 1937, within which taxable wages are paid to his employee or employees, and for each subsequent quarter whether or not taxable wages are paid therein. One original return shall be filed with the collector. For purposes of returns under Title VIII of the Act, the quarters shall each be three calendar months as follows: (1) from January 1 to March 31, both dates inclusive; (2) from April 1 to June 30, both dates inclusive; (3) from July 1 to September 30, both dates inclusive; and (4) from October 1 to December 31, both dates inclusive. Each employer shall make returns under this article until he ceases to be an employer and files a final return as required by the provisions of article 404."

¹ 1 F. R. 1764.

² 2 F. R. 1550 (DI).

³ 2 F. R. 2605 (DI).

⁴ 2 F. R. 2791 (DI).

(2) The parenthetical reference in article 403 is amended to read as follows:

"(See article 402 for the 3-month periods which constitute quarters within the meaning of provisions of these regulations relating to returns.)"

(3) Article 404 is amended to read as follows:

"ART. 404. *Final returns*.—The last return on Form SS-1a covering periods subsequent to December 21, 1937, or the last returns on Form SS-1, and on Forms SS-2 and SS-2a, covering periods within the calendar year 1937, for any person who ceases to be an employer, shall be marked 'Final return' by the employer or the person filing the return. Such final returns shall be filed with the collector on or before the thirtieth day after the date on which the final payment of wages subject to tax is made for services performed for the employer, and shall plainly show the period covered and also the date of the last payment of wages. There shall be executed as part of each final return a statement giving the address at which the records required by article 412 will be kept and the name of the person keeping the records. Persons whose status as employers is only temporarily suspended, including persons engaged in seasonal activities, shall not file final returns by reason of such temporary suspension."

(4) The first three sentences of article 406, relating to the use of numbers assigned to employers and employees under Title VIII, is amended to read as follows:

"Every employer shall enter on each return required under these regulations the identification number assigned to him under Title VIII of the Act. If no identification number has been assigned to the employer prior to the time he files such return, the employer shall enter on the return the date on which the application therefor on Form SS-4 was filed (or mailed) by him, and the name and address of the office to which the application was sent. The account number assigned under Title VIII of the Act to every employee with respect to whom information is required to be reported on Form SS-1a, Forms SS-2a or Form SS-3 shall be entered on such forms by the employer."

(5) The last two sentences of article 407, relating to execution of returns, are amended to read as follows:

"If the sum of the employees' tax and the employers' tax shown to be payable by any return on Form SS-1 (covering a monthly period ending December 31, 1937 or prior period), or any return on Form SS-1a (covering a period subsequent to December 31, 1937) is \$10 or less, the return may be signed or acknowledged before two witnesses instead of under oath. If the amount of wages required to be reported in item 2 on Form SS-2 (covering a period within the calendar year 1937) is \$500 or less, the return may be signed or acknowledged before two witnesses instead of under oath."



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(6) The seventh sentence of article 408, relating to use of prescribed forms, is amended to read as follows:

"In case the prescribed tax return form is not available, a statement made by the employer disclosing for the period for which a return is required the amount of wages with respect to which the taxes are imposed, together with the amount of taxes due, may be accepted as a tentative return."

Article 408 is further amended by striking out the word "monthly" in the eighth sentence.

(7) Article 409, relating to place and time for filing returns, is amended by striking out the word "monthly" in the next to the last sentence thereof.

(8) The first sentence of article 410, relating to payment of tax, is amended to read as follows:

"The employees' tax and the employers' tax required to be reported on each return on Form SS-1 or Form SS-1a are due and payable to the collector, without assessment by the Commissioner or notice by the collector, at the time fixed for filing such return."

(9) Article 502, relating to adjustment of employees' tax, article 503, relating to adjustment of employers' tax, article 504, relating to credit or refund of overpayments which are not adjustable, and article 604, relating to penalties for delinquent or false returns, are amended by inserting after the words "Form SS-1" wherever they appear therein the words "or Form SS-1a"; and by inserting after the word "month" wherever it appears therein the words "or quarter"; and by inserting after the word "monthly" wherever it appears therein the words "or quarterly".

(10) Article 604 is further amended by striking out the last paragraph of subdivision (a) thereof and by inserting in lieu of such paragraph the following:

"Every person filing a return after the due date shall securely attach to the return his statement setting out in detail the reasons for delinquency."

This Treasury Decision is prescribed under the authority contained in sections 807 and 808 of the Social Security Act.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, November 23, 1937.

H. MORGENTHAU, Jr.
Secretary of the Treasury.

[F. R. Doc. 37-3437; Filed, November 27, 1937; 11:57 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL, CENTRAL VALLEY
PROJECT, CALIFORNIA

NOVEMBER 1, 1937.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976) it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Sec. 3, Act of June 17, 1902 (32 Stat., 388).

CENTRAL VALLEY PROJECT, CALIFORNIA

Mount Diablo Meridian

T. 33 N., R. 4 W., Sec. 3, N $\frac{1}{2}$.

Respectfully,

JOHN C. PAGE, Commissioner.

Department of the Interior, November 10, 1937.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 37-3440; Filed, November 29, 1937; 9:48 a. m.]

General Land Office.

REGULATIONS GOVERNING THE LOCATING AND MAINTAINING OF
MINING CLAIMS IN THE PAPAGO INDIAN RESERVATION

NOVEMBER 13, 1937.

Register, Phoenix, Arizona.

SIR: Section 3 of the act of June 18, 1934, (48 Stat. 984-988) as amended by the act of August 28, 1937 (Public No. 395—75th Congress), provides:

"(a) The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation.

(b) (1) The order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: Provided, That damages shall be paid to the superintendent or other officer in charge of the reservation for the credit of the owner thereof, for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior to be the fair and reasonable value of such improvements: Provided further, That a yearly rental not to exceed 5 cents per acre shall be paid to the superintendent or other officer in charge of the reservation for deposit in the Treasury of the United States to the credit of the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations.

(2) In the event any person or persons, partnership, corporation, or association desires a mineral patent, according to the mining laws of the United States, he or they shall first pay to the superintendent or other officer in charge of the reservation, for deposit in the Treasury of the United States to the credit of the Papago Tribe, the sum of \$1 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss of the use or occupancy of the lands withdrawn by the requirements of mining operations; but the sum thus deposited, except for a deduction of rental at the annual rate hereinbefore provided, shall be refunded to the applicant in the event that patent is not acquired: Provided, That an applicant for patent shall also pay to the superintendent or other officer in charge of the said reservation for the credit of the

owner thereof, damages for the loss of improvements not theretofore paid, in such a sum as may be determined by the Secretary of the Interior to be the fair value thereof.

(3) Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of this Act, except under permit from the Secretary of the Interior approved by the Papago Indian Council: Provided, That nothing herein shall be construed as interfering with or affecting the validity of the water rights of the Indians of this reservation: Provided further, That the appropriation of living water heretofore or hereafter affected by the Papago Indians is hereby recognized and validated subject to all the laws applicable thereto.

(4) Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202)."

The act of June 18, 1934, as amended by the act of August 28, 1937, revokes departmental order of October 28, 1932, which temporarily withdrew from all forms of mineral entry or claim the lands within the Papago Indian Reservation and restores, as of June 18, 1934, such lands to exploration, location and purchase under the existing mining laws of the United States.

The procedure in the location of mining claims, performance of annual labor and the prosecution of patent proceedings therefor shall be the same as provided by the United States mining laws and regulations thereunder, Circular No. 430, with the additional requirements hereinafter prescribed.

In addition to complying with the existing laws and regulations governing the recording of mining locations with the proper local recording officer, the locator of a mining claim within the Papago Indian Reservation shall furnish to the superintendent or other officer in charge of the reservation, within 90 days of such location, a copy of the location notice, together with a sum amounting to 5 cents for each acre and 5 cents for each fractional part of an acre embraced in the location for deposit with the Treasury of the United States to the credit of the Papago Tribe as yearly rental. Failure to make the required annual rental payment in advance each year until an application for patent has been filed for the claim shall be deemed sufficient grounds for invalidating the claim. The payment of annual rental must be made to the superintendent or other officer in charge of the reservation each year on or prior to the anniversary date of the mining location.

Where a mining claim is located within the reservation, the locator shall pay to the superintendent or other officer in charge of the reservation damages for the loss of any improvements on the land in such a sum as may be determined by the Secretary of the Interior to be a fair and reasonable value of such improvements, for the credit of the owner thereof. The value of such improvements may be fixed by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, and payment in accordance with such determination shall be made within one year from date thereof.

At the time of filing with the Register an application for mineral patent for lands within the Papago Indian Reservation the applicant shall furnish, in addition to the showing required under the general mining laws, a statement from the superintendent or other officer in charge of the reservation, that he has deposited with the proper official in charge of the reservation for deposit in the Treasury of the United States to the credit of the Papago Tribe a sum equal to \$1. for each acre and \$1. for each fractional part of an acre embraced in the application for patent in lieu of annual rental, together with a statement from the superintendent or other officer in charge of the reservation that the annual rentals have been paid each year and that damages for loss of improvements, if any, have been paid.

Upon the filing in the office of the Register of an application for patent for land within the reservation, together with the evidence required in the preceding paragraph, the Register will, if no reason appears for rejecting the applica-

tion, proceed to publish a notice as provided for by the mining regulations. The Register will forward copies of the notice of application for patent to the superintendent of the reservation and to the Special Agent in Charge at Albuquerque, New Mexico, endorsing thereon "within Papago Indian Reservation", requesting both to report in accordance with the instructions of December 5, 1916 (45 L. D. 539).

The act provides that in case patent is not acquired the sum deposited in lieu of annual rentals shall be refunded. Where patent is not acquired, such sums due as annual rentals but not paid during the period of patent application shall be deducted from the sum deposited in lieu of annual rental. Applications for refund shall be filed in the office of the Register and should follow the general procedure in applications for repayment, Circular No. 513.

Mining locations in the Papago Indian Reservation made subsequent to August 28, 1937, and prior hereto may be validated upon full compliance with the foregoing provisions within 90 days of the approval of these regulations.

Water reservoirs, charcos, water holes, springs, wells, or any other form of water development by the United States or the Papago Indians shall not be used for mining purposes under the terms of the said act of August 28, 1937, except under permit from the Secretary of the Interior approved by the Papago Indian Council.

A mining location may not be located on any portion of a ten acre legal subdivision containing water reservoirs, charcos, water holes, springs, wells or any other form of water development by the United States or the Papago Indians except under a permit from the Secretary of the Interior approved by the Papago Indian Council which permit shall contain such stipulations, restrictions, and limitations regarding the use of the land for mining purposes as may be deemed necessary and proper to permit the free use of the water thereon by the United States or the Papago Indians.

The term "locator" wherever used in these regulations shall include and mean his successors, assigns, grantees, heirs, and all others claiming under or through him.

You will give to the regulations the widest publicity possible without expense to the Government.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

I concur: November 6, 1937.

JOHN COLLIER,
Commissioner of Indian Affairs.

Approved: November 13, 1937.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 37-3441; Filed, November 29, 1937; 9:53 a. m.]

National Bituminous Coal Commission.

[Order No. 82]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER SEVEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Seven having proposed to the Commission initial classifications of coals of code members and a hearing having been held thereon; Bituminous Coal Producers Board for

District Number Seven having submitted evidence at such hearing showing compliance with the standards of classification of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43, and other evidence having been submitted at such hearing concerning classifications of coals of code members in District Number Seven; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Seven and to other evidence and pertinent data relating to the classifications of coals for District Number Seven:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Seven, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Seven, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Seven and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Seven or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Seven to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Seven and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL] F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 37-3447; Filed, November 29, 1937; 12:24 p. m.]

[Order No. 83]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER EIGHT AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, methods of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Eight having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Eight having submitted evidence at such hearing showing compliance with

¹ 2 F. R. 1638 (DI).

² 2 F. R. 2149 (DI).

¹ 2 F. R. 1638 (DI).

² 2 F. R. 2149 (DI).

the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Eight and to other evidence and pertinent data relating to the classifications of coals for District Number Eight:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Eight, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Eight, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Eight and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Eight or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Eight to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Eight and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3448; Filed, November 29, 1937; 12:25 p. m.]

[Order No. 84]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER ELEVEN AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Eleven having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Eleven having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers

Board for District Number Eleven and to other evidence and pertinent data relating to the classifications of coals for District Number Eleven:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Eleven, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Eleven, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Eleven and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Eleven or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Eleven to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Eleven and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-3449; Filed, November 29, 1937; 12:26 p. m.]

[Order No. 85]

AN ORDER DETERMINING AND ESTABLISHING INITIAL CLASSIFICATIONS OF COALS OF CODE MEMBERS WITHIN DISTRICT NUMBER TWELVE AS PROVIDED BY COMMISSION'S ORDERS NO. 38 AND NO. 43, AND SECTION 4, PART II, SUBSECTION (A) OF THE BITUMINOUS COAL ACT OF 1937

The National Bituminous Coal Commission having by its Orders No. 38¹ and No. 43² directed all District Boards to propose to the Commission initial classifications of coals of code members within their respective districts in conformity with the standards, method of applying such standards, and rules of procedure prescribed by the Commission in said orders; the Bituminous Coal Producers Board for District Number Twelve having proposed to the Commission initial classifications of coals of code members; a hearing having been held pursuant to the Commission's Order No. 43 and evidence having been received concerning classifications of coals of code members in the respective districts; Bituminous Coal Producers Board for District Number Twelve having submitted evidence at such hearing showing compliance with the standards of classifications of coals, methods of applying such standards, and rules of procedure, as prescribed by the Commission in its Orders No. 38 and No. 43; and, the Commission having given due consideration to the proposed initial classifications of coals by Bituminous Coal Producers Board for District Number Twelve and to other evidence and pertinent data relating to the classifications of coals for District Number Twelve:

Now, therefore, pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

¹ 2 F. R. 1688 (DI).

² 2 F. R. 2149 (DI).

for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the classifications of coals of code members for District Number Twelve, set opposite the names of code members and their respective mines as the same appear in the Schedule of Initial Classifications of Coals of Code Members within District Number Twelve, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, shall be and hereby are determined and established as the initial classifications of coals for code members within the said District Number Twelve and such classifications shall be effective until further order of this Commission.

2. That all proceedings for reclassifications of coals shall be made and conducted in conformity with the provisions of Order No. 38, as amended by Order No. 43, and all proceedings for additional initial classifications shall be had in conformity with orders now in effect or hereafter issued.

3. That nothing herein contained shall affect any proceeding now pending before District Board Number Twelve or the Commission involving a revision of the initial classifications of coals of any code member.

That the Secretary of the Commission shall forthwith mail copies of this order and Schedule of Initial Classifications of Coals for Code Members within District Number Twelve to the Consumers' Counsel, the Secretary of Bituminous Coal Producers Board for District Number Twelve and to code members within said district, and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3450; Filed, November 29, 1937; 12:26 p. m.]

[Order No. 86]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF KANSAS AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT KANSAS CITY, KANSAS, ON DECEMBER 9, 1937, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Kansas directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Kansas on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Kansas would be desirable, and upon investigation hereby orders:

1. That on December 9, 1937, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel Grund, Kansas City, Kansas, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Kansas, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Kansas in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bi-

tuminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Kansas City, Kansas, on December 9, 1937, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Kansas, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Kansas in which bituminous coal is produced.

By order of the Commission.

Dated this 26th day of November, 1937.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 37-3451; Filed, November 29, 1937; 12:27 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

SUGAR ACT OF 1937

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in Sections 301 (b) and (d) and 511 of the Sugar Act of 1937 (Public No. 414, 75th Congress),

Notice is hereby given that a public hearing will be held at Clewiston, Florida, on December 4, 1937, at 9:00 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of Section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane on farms with respect to which applications for payments under the said act are made, and, (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for sugarcane to be paid by processors who, as producers, apply for payments under the said act.

William T. Ham and Robert B. Tyler are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Done at Washington, D. C., this 26th day of November, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

M. L. WILSON,

Acting Secretary of Agriculture.

[F. R. Doc. 37-3435; Filed, November 26, 1937; 3:54 p. m.]

Bureau of Animal Industry.

NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

NOVEMBER 27, 1937.

To C. V. OWENS and E. H. OWENS,

Doing business as C. V. Owens & Son Auction Sales Com. Co., Stockyard owner, at Fort Morgan, State of Colorado

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce

in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as C. V. Owens & Son Auction Sales Commission Company, at Fort Morgan, State of Colorado, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 37-3438; Filed, November 27, 1937; 12:03 p. m.]

Farm Security Administration.

DESIGNATION OF COUNTIES (ARKANSAS)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Arkansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938.

Ashley, Boone, Carroll, Cleveland, Crittenden, Cross, Faulkner, Hempstead, Hot Spring, Howard, Jackson, Lafayette, Little River, Marion, Miller, Mississippi, Pope, Pulaski, Randolph, White, Woodruff.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3445; Filed, November 29, 1937; 12:14 p. m.]

DESIGNATION OF COUNTIES (FLORIDA)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Florida State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Hardee, Jackson, Marion.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3442; Filed, November 29, 1937; 12:13 p. m.]

DESIGNATION OF COUNTIES (NORTH CAROLINA)

NOVEMBER 26, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the North Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year, ending June 30, 1938:

Caswell, Chatham, Cleveland, Edgecombe, Franklin, Guilford, Henderson, Hertford, Iredell, Madison, Onslow, Orange, Richmond, Robeson, Union, Washington, Wilkes.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 37-3439; Filed, November 27, 1937; 12:03 p. m.]

DESIGNATION OF COUNTIES (SOUTH CAROLINA)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the South Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Aiken, Anderson, Chesterfield, Clarendon, Colleton, Florence, Greenville, Kershaw, Lancaster, Laurens, Oconee, Orangeburg, Spartanburg, Sumter, Williamsburg, York.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3444; Filed November 29, 1937; 12:14 p. m.]

DESIGNATION OF COUNTIES (TENNESSEE)

NOVEMBER 27, 1937.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Tennessee State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Bradley, Fayette, Fentress, Greene, Haywood, Lawrence, Loudon, McNairy, Montgomery, Putnam, Rutherford, Shelby, Tipton, Wayne, Weakley.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-3443; Filed, November 29, 1937; 12:13 p. m.]

FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

[Projects Nos. 67 and 120, and 96]

SOUTHERN CALIFORNIA EDISON COMPANY LTD.; SAN JOAQUIN LIGHT AND POWER CORPORATION
ORDER POSTPONING REHEARING

Upon telegraphic request received November 23, 1937, from Southern California Edison Company Ltd., the Commission orders:

That the rehearing set for December 6, 1937,¹ with regard to Paragraphs 5, 6, and 7 of the order dated July 10, 1937, directing San Joaquin Light and Power Corporation and Southern California Edison Company Ltd., jointly, to compute the amount of headwater benefits in connection with projects Nos. 96, 67, and 120, be postponed to Tuesday, De-

¹ 2 F. R. 2441, 2784 (DI).

ember 14, 1937, to be held in the Commission's hearing room at 1800 Pennsylvania Avenue NW., Washington, D. C., beginning at 10 a. m.

Adopted by the Commission on November 24, 1937.

[SEAL]

LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 37-3436; Filed, November 27, 1937; 9:53 a. m.]

INTERSTATE COMMERCE COMMISSION.

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 22nd day of November, A. D. 1937.

[No. 15780]

DEPRECIATION CHARGES OF CARRIERS BY WATER

Upon consideration of a petition filed by the Association of Water Line Accounting Officers for further postponement of the effective date of the order entered herein August 1, 1935, as amended April 2, 1936¹ and March 17, 1937

It is ordered, That the order of August 1, 1935 in this proceeding be, and it is hereby, further amended by changing to January 1, 1939 all effective dates specified as January 1, 1938 in said order as amended.

By the Commission, Division 4.

[SEAL]

W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-3446; Filed, November 29, 1937; 12:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

REPEAL OF RULES AN12 AND AN13 UNDER SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

The Securities and Exchange Commission has repealed Rules AN12 and AN13 of the Rules and Regulations under the Securities Exchange Act of 1934. These two rules provided certain exemptions from registration which exemptions had already expired in accordance with the terms of the rules.

The text of the Commission's action is as follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby repeals Rules AN12 and AN13.

The foregoing action shall become effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3452; Filed, November 29, 1937; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November, 1937.

[File No. 1-1012]

IN THE MATTER OF WARNER QUINLAN COMPANY 6% GOLD DEBENTURES, DUE MARCH 1, 1939

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the 6% Gold Debentures, due March 1, 1939, of Warner Quinlan Company; and

After appropriate notice, a hearing¹ having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 10, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3453; Filed, November 29, 1937; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1937.

[File No. 43-87 51-6]

IN THE MATTER OF WEST TEXAS GAS COMPANY

[Public Utility Act of 1935]

ORDER PERMITTING DECLARATION ALTERING SINKING FUND PROVISIONS TO BECOME EFFECTIVE, PURSUANT TO SECTION 7

West Texas Gas Company, a subsidiary of a registered holding company, having filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the alteration of security holders' rights by waiving certain sinking fund payments which were required to have been made on January 1, 1938 and July 1, 1938 in the amount of \$150,000 and \$200,000 respectively; a hearing² on such declaration having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered, That such declaration be and become effective forthwith on the condition, however, that the alteration of the bond holders' rights shall be effected in compliance with the terms and conditions set forth in and for the purposes represented by said declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3454; Filed, November 29, 1937; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of November, 1937.

[File No. 1-1659]

IN THE MATTER OF TASTYEAST, INC., CLASS A STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Board of Trade of the City of Chicago, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Class A Stock of Tastyeast, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 o'clock a. m. on December 15, 1937, in Room 1101, Securi-

¹ 1 F. R. 186.

² 2 F. R. 2622 (DI).

² 2 F. R. 2325 (DI).

ties and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3455; Filed, November 29, 1937; 12:52 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of November, 1937.

[File No. 1-237]

IN THE MATTER OF APPLICATION OF THE CHICAGO STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE \$3 CUMULATIVE PARTICIPATING PREFERRED STOCK, NO PAR VALUE, OF UNITED CHEMICALS, INC.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the \$3 Cumulative Participating Preferred Stock, no par value, of United Chemicals, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given the opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11 o'clock a. m. on December 15, 1937, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to

perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3456; Filed, November 26, 1937; 12:52 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1937.

[File No. 47-17]

IN THE MATTER OF BELLOW FALLS HYDRO-ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Bellows Falls Hydro-Electric Corporation pursuant to Sections 10 (a) (2) & 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition from Green Mountain Power Corporation, of Montpelier, Vermont, of certain utility assets with a book value of \$32,104.42 and located in the yard of the applicant at its plant in Bellows Falls, Vermont;

It is ordered, That a hearing on such matter be held on December 15, 1937, at 2 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 10, 1937.

It is further ordered, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-3457; Filed, November 29, 1937; 12:53 p. m.]

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